

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 799

Introduced by Krist, 10.

Read first time January 08, 2010

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to the Building Construction Act; to amend
2 sections 71-6403, 71-6404, 71-6405, and 71-6406, Reissue
3 Revised Statutes of Nebraska; to change the state
4 building code; to change restrictions on political
5 subdivisions; to harmonize provisions; and to repeal
6 the original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-6403, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 71-6403 (1) There is hereby created the state building
4 code. The Legislature hereby adopts by reference:

5 (a) The International Building Code (IBC), 2000 edition,
6 published by the International Code Council;

7 (b) The International Residential Code (IRC), 2000
8 edition, published by the International Code Council; and

9 (c) ~~The Uniform Code for Building Conservation.~~
10 International Existing Building Code, 2009 Edition, published by
11 the International Code Council.

12 (2) The codes adopted by reference in subsection (1) of
13 this section shall constitute the state building code except as
14 amended pursuant to the Building Construction Act or as otherwise
15 authorized by state law.

16 (3) Whenever a new edition of the codes adopted in
17 subsection (1) of this section is published, such new edition shall
18 be considered the state building code.

19 (4) The state building code shall be used in coordination
20 with and subject to the Life Safety Code and the powers and duties
21 of the State Fire Marshal under section 81-502.

22 Sec. 2. Section 71-6404, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 71-6404 The state building code shall be the building and
25 construction standard within the state and shall be applicable:

1 (1) To all buildings and structures owned by the state or
2 any state agency; and

3 (2) In each political subdivision which elects to adopt
4 the state building code or any component or combination of
5 components of the state building code.

6 Sec. 3. Section 71-6405, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 71-6405 All state agencies, including all state
9 constitutional offices, state administrative departments, and
10 state boards and commissions, the University of Nebraska, and the
11 Nebraska state colleges, shall comply with the state building
12 code. No state agency may adopt, promulgate, or enforce any rule
13 or regulation in conflict with the state building code unless
14 otherwise specifically authorized by statute to adopt or enforce a
15 building or construction code other than the state building code.
16 Nothing in the Building Construction Act shall authorize any state
17 agency to apply such act to manufactured homes or recreational
18 vehicles regulated by the Uniform Standard Code for Manufactured
19 Homes and Recreational Vehicles or to modular housing units
20 regulated by the Nebraska Uniform Standards for Modular Housing
21 Units Act. A state agency may, by rule or regulation, amend the
22 state building code by adopting any supplement, new edition, or
23 appendix of the International Building Code (IBC), 2000 edition,
24 International Residential Code (IRC), 2000 edition, or the ~~Uniform~~
25 ~~Code for Building Conservation~~ International Existing Building

1 Code, 2009 Edition, referred to in section 71-6403, except that
2 all amendments shall be approved in advance by the Director of
3 Administrative Services. Amendments to the state building code may
4 also include variations from the code which will reduce unnecessary
5 costs of construction, increase safety, durability, or efficiency,
6 or address special local conditions within the state.

7 Sec. 4. Section 71-6406, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 71-6406 (1) Any political subdivision may enact,
10 administer, or enforce a local building or construction code if or
11 as long as such political subdivision adopts the state building
12 code. The political subdivision shall regularly update its code.
13 For purposes of this section, a code shall be deemed to be
14 regularly updated if the most recent edition is adopted by the
15 political subdivision within two years after the publication date
16 of the edition. No political subdivision may adopt or enforce a
17 local building or construction code other than as provided by this
18 section.

19 (2) A political subdivision may amend its local building
20 or construction code if the amendment:

21 (a) Conforms generally with the state building code;

22 (b) Adopts a special or differing building standard
23 to reduce unnecessary costs of construction, increase safety,
24 durability, or efficiency, or address special local conditions
25 within its jurisdiction; or

1 (c) Adopts any supplement, new edition, ~~or~~ appendix, or
2 component or combination of components of the state building code.

3 (3) A political subdivision may adopt and promulgate
4 amendments for the proper administration and enforcement of its
5 local building or construction code including organization of
6 enforcement, qualifications of staff members, examination of plans,
7 inspections, appeals, permits, and fees. Any amendment adopted
8 pursuant to this section shall be published separately from
9 the local building or construction code. Fees, if any, for
10 services which monitor a builder's application of codes shall
11 be negotiable between the political subdivisions involved, but such
12 fees shall not exceed the actual expenses incurred by the political
13 subdivision doing the monitoring.

14 (4) Notwithstanding the provisions of the Building
15 Construction Act, a public building of a political subdivision
16 shall be built in accordance with the applicable local building or
17 construction code.

18 Sec. 5. Original sections 71-6403, 71-6404, 71-6405, and
19 71-6406, Reissue Revised Statutes of Nebraska, are repealed.